

when the vehicle is being operated by or for the transportation of the registrant of the vehicle. The directors of the various city-operated parking garages and lots to which this privilege applies may promulgate rules for the operation of this exemption. The rules shall be consistent with applicable state law, and may include, but not be limited to, a requirement that persons requesting free parking provide a registration receipt and driver license or other evidence that the vehicle is in fact being operated by or for the transportation of the vehicle registrant.

(Ord. No. 00-520, § 2, 6-12-00)

Secs. 2-8—2-20. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES IN GENERAL*

DIVISION 1. GENERALLY

Sec. 2-21. Positions, classifications, salaries and salary ranges.

The positions, classifications, salaries, and salary ranges of the officers and employees of the city, other than as prescribed in this Code, are contained in separate ordinances not included in this Code, and nothing in this Code or the ordinance adopting this Code shall be deemed to repeal such ordinances.

(Code 1968, § 2-32)

Sec. 2-22. Payment of moving expenses.

In the event it becomes necessary to employ a person possessing special professional skills and experience, whose residence at the time of employment is located more than 100 miles from the city, upon the employment of any such person, his moving expenses may be paid by the city as a part of his contract of employment.

(Code 1968, § 2-33)

*Cross references—Representation of defendants in criminal cases by city employees, § 16-65; civil service, Ch. 14; ethics and financial disclosure, Ch. 18; assaulting, interfering, etc., with city officers, § 28-6.

Sec. 2-23. Solicitation of funds by employees.

(a) It shall be unlawful for any person employed and carried on the payroll of the city to solicit funds of any character for any purpose or to sell tickets for any function not approved and permitted by law or ordinance or approved by the city council; provided, the following functions shall be exempt from the provisions of this section:

- (1) Police department ball.
- (2) Firemen's band annual dance.
- (3) City employees' union dance.
- (4) Firemen's annual ball.
- (5) City-county employees' union dance.
- (6) Fire department Christmas tree shoe fund.
- (7) Solicitation of funds which are actually used to purchase floral offerings for the funeral of any city employee or official.

(b) Any employee desiring to take part in the solicitation of funds for any purpose, other than the causes declared exempt by this section, must first obtain the approval and permission of the city council so to do.

(c) Violation of this section shall be grounds for termination or other appropriate disciplinary action.

(Code 1968, § 2-34)

Sec. 2-24. On the job injuries sustained prior to July 1, 1974.

The provisions of Ordinance No. 71-2404 are hereby incorporated by reference and shall remain applicable to the continuing and necessary medical and hospital services costs relating to on the job injuries sustained by city employees prior to the July 1, 1974 effective date of workers compensation insurance benefits for city employees.

Editor's note—Ordinance No. 71-2404 was codified as sections 2-53 through 2-57 of the 1968 edition of the Code of Ordinances, City of Houston.

Sec. 2-25. Limitation for compensation payments for on the job injuries where payments are derived from general funds or sources receiving general funds.

A city employee who is injured on the job and is entitled to receive compensation payments for such injury shall not receive more than his base salary, plus longevity, during the period that he is entitled to receive such compensation payments where the payments are made from general funds of the city or from any source whatsoever which receives general funds of the city.

(Code 1968, § 2-58; Ord. No. 74-1126, § 1, 6-26-74)

Sec. 2-26. Assignment of employee's wages.

No assignment of wages, whether earned or unearned, made and executed by any city employee for wages due and owing to said employee by reason of employment with the city, or for wages that may become due and owing to said employee by reason of employment with the city, nor any power of attorney executed by any employee of the city authorizing any person to collect wages due and owing to such employee, or which may become due and owing to such employee by reason of employment with the city, shall ever be recognized by the city, and the city controller is hereby directed to refuse to recognize or honor any such assignment of wages or powers of attorney, and he is hereby further directed to pay any wages due and owing to any employees of the city to the employee who actually earned said wages. (Code 1968, § 2-37; Ord. No. 69-534, § 1, 4-1-69)

Sec. 2-27. Facsimile signatures; facsimile seal.

(a) *In general.* Subject to the provisions of this section, certain city officers are hereby authorized to cause certain documents to be executed, certified or endorsed by a facsimile signature. Such authorization is permissive; this section does not prohibit any such officer from using his or her manual signature. The process of affixing a facsimile signature of any given officer shall at all times remain under the direction and control of such officer.

(b) *"Facsimile signature" defined.* As used in this section, "facsimile signature" shall have the same meaning as in article 717j-1, Texas Revised Civil Statutes Annotated (Vernon's Supp. 1981), the "act". A facsimile signature authorized by this section shall have the effect prescribed by the act.

(c) *Extent of authorization.* The authorization by this section to cause documents to be executed, certified or endorsed with a facsimile signature shall extend to the officers shown on the table in section 2-1001.

(d) *Facsimile signature certificates; revocation.* A facsimile signature certificate, when specially required by this section for the validity of a facsimile signature, shall only be effective if it contains the required elements and is filed with the city secretary. Each such certificate shall automatically lose its effectiveness when the person making the certificate ceases to hold office. An officer making such a certificate may revoke it at any time by signing an appropriate revocation notice and causing it to be filed with the city secretary. A certificate so revoked shall lose its effectiveness when the revocation notice is filed. The city secretary is hereby authorized to provide a certified copy of any such certificate or notice to any person who requests the same and pays the standard fee for such copy. The city secretary is also authorized to endorse any such copy with a notation as to when it was filed and whether or not a revocation notice has been filed with respect thereto as of any given day, according to the records of the city secretary.

(e) *Facsimile seal.* With respect to any documents for which a facsimile signature of the city secretary is authorized, a facsimile seal of the city is also authorized to be affixed, or caused to be affixed, by the city secretary.

(f) *Section not exclusive.* This section shall not preclude the use of facsimile signatures in other instances or under different conditions authorized by the city council or by the act, or by both. (Code 1968, § 2-17; Ord. No. 82-266, § 1, 2-10-82; Ord. No. 82-1318, § 1, 8-24-82; Ord. No. 82-1829, § 1, 11-19-82)

Sec. 2-28. Emergency action.

(a) Every officer, agent or employee of the city, when acting within the course and scope of his employment and while responding to emergency calls or reacting to emergency situations, is hereby authorized to act in such a manner as to deal reasonably and effectively with the emergency. Neither the city nor its officers, agents or employees shall be liable for any failure to use ordinary care in such emergency.

(b) This section shall prevail, to the extent allowed by law, over any other law establishing a standard of care in conflict with this section; provided, however, that this section shall not be construed to authorize any action in violation of city ordinances or departmental policies, practices, procedures, orders or rules then in effect governing emergencies.

(Ord. No. 86-838, § 1, 6-3-86)

Secs. 2-29, 2-30. Reserved.**DIVISION 2. TRAVEL****Sec. 2-31. Supplemental travel funding.**

If any or all of the costs of city business travel or travel-related expenses of salaried and non-salaried employees or elected officials of the city are paid from non-city sources (other than by the employee or elected official or by a person related to the employee or elected official within the second degree of affinity or consanguinity), then the person(s) traveling shall supplement the information required by the administrative procedure applicable to the travel by disclosing the source and amount of the funding and the amount of the expenses on a travel expense report and travel-related log filed in accordance with administrative procedure requirements for filing expense reports and travel-related logs. If the expenses are not completely known as of the date of the report, then the expenses shall be estimated and later updated by memorandum whenever the expenses and source(s) of funding are completely known. The funding sources and expense amounts disclosed pursuant to this section shall include those of any person accompanying the salaried or non-salaried city employee or elected official who

is related to the employee or elected official within the first degree of affinity or consanguinity, except when the relative pays for his own travel or it is paid by another person related to the employee or elected official within the second degree of affinity or consanguinity.

(Ord. No. 01-698, § 2, 7-25-01)

Sec. 2-32. Accompanying travelers.

If other travelers accompany a salaried or non-salaried employee or elected official of the city as part of a trade or economic mission and the co-travelers are part of the city coterie, then the names of such co-travelers shall be disclosed in the travel expenses report and travel-related log in a separate exhibit entitled, "Accompanying Travelers," which shall be filed in accordance with the applicable administrative procedure requirements for filing expense reports and travel-related logs.

(Ord. No. 01-698, § 2, 7-25-01)

Sec. 2-33. Filing of travel expenses report and travel-related log.

A duplicate copy of travel expenses reports and travel-related logs containing information required to be reported under this division, together with any updating memoranda, shall be filed with the city secretary at the same time they are filed in accordance with administrative procedure requirements for filing expense reports and travel-related logs. The city secretary shall maintain such reports in a manner that is accessible to the public during regular business hours.

(Ord. No. 01-698, § 2, 7-25-01)

Secs. 2-34, 2-35. Reserved.**DIVISION 3. FIDELITY COVERAGE*****Sec. 2-36. Generally.**

All officers and employees of the city shall be covered either by individual public official bonds

***Editor's note**—Ord. No. 04-1244, § 1, adopted December 1, 2004, amended the title of Division 3 to read as herein set out. Formerly, said title pertained to bonds.

or by the blanket crime policy for public employees in accordance with the conditions and requirements set forth in this division.
(Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-37. Individual public official bonds for specific officers—required; amount.

(a) Throughout the incumbency of each, the holders of the following offices and positions shall be covered by individual public official bonds in the amounts set forth below opposite the titles of such respective offices and positions:

<i>Title</i>	<i>Amount</i>
Mayor	\$50,000.00
City controller	50,000.00
City treasurer	25,000.00
Tax assessor and collector	25,000.00
Assistant city treasurer	25,000.00
Assistant director of treasury	25,000.00
Assistant tax assessor and collector	25,000.00
Deputy city controller (designated)	25,000.00
Deputy assessor of taxes	25,000.00
Chief clerk of the municipal courts	25,000.00

(b) In the event two or more of the titles above listed should become applicable to the same person, only one public official bond need be provided for such person, and it shall cover him in all capacities.

(Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-38. Same—conditions.

The individual public official bonds mentioned in section 2-37 shall each be conditioned that the surety executing such bond agrees to indemnify the city against any direct loss of money or other personal property belonging to the city or for which the city is legally responsible, caused by larceny, theft, embezzlement, forgery, misappropriation, willful misapplication, wrongful abstraction or by any other dishonest or fraudulent act or

acts committed by the officer or employee covered by such bond. In addition, the bonds covering the offices of mayor and city controller shall be conditioned for the faithful performance of the duties of those respective offices.

(Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-39. Blanket crime policy for public employees.

A blanket crime policy for public employees shall be maintained and shall cover all employees other than those officers and employees required by section 2-37 of this Code to be covered by individual public official bonds. The policy required under this section shall be conditioned such that the issuer of the policy shall indemnify the city against loss sustained through any fraudulent or dishonest act or acts committed by any of the covered employees, acting alone or in collusion with others, during the term of the policy. The policy shall be in an amount that the city council determines from time to time provides the most favorable premium and limit of coverage available to the city.

(Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-40. Approval of form.

(a) The form of the public official bond, whether new or a change to an existing bond, required to cover the mayor or the city controller pursuant to this division shall be subject to final approval by the city council. Whenever a new public official bond to cover the mayor or the city controller is to be filed, or a change to the existing public official bond form for the mayor or the city controller is proposed, the same shall be presented to the city council together with the recommendation of the city treasurer and the city attorney. The city council will then, by motion, indicate its approval or disapproval of the form of the public official bond. Failure of the city council to act will in no way diminish any liability the surety would otherwise have with respect to any public official bond that the surety has delivered for the purpose of putting it in force.

(b) The director of treasury is authorized to approve the form of public official bonds for all officers except the mayor and the city controller and the blanket crime policy for public employees. (Ord. No. 04-1244, § 2, 12-1-04; Ord. No. 05-346, § 1, 4-6-05)

Sec. 2-41. Payment of premiums.

Payment of the premiums on the public official bonds and blanket crime policy provided for in this division will be out of the budget appropriations for which the city council will make provision annually. (Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-42. Duties of director of treasury under division.

It shall be the duty of the director of treasury to see to the compliance with the provisions of this division and to make the necessary arrangements for procurement of the public official bonds and blanket crime policy provided for in this division. (Ord. No. 04-1244, § 2, 12-1-04)

Secs. 2-43—2-48. Reserved.

ARTICLE III. DEPARTMENT OF FINANCE AND ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 2-49. Created.

There is hereby created a department to be designated the department of finance and administration. (Code 1968, § 2-236; Ord. No. 82-1088, § 1, 7-6-82)

Sec. 2-50. Director—Position created; appointment.

There is hereby created the position of director of the department of finance and administration, who shall be appointed by the mayor and confirmed by the city council. (Code 1968, § 2-237; Ord. No. 82-1088, § 1, 7-6-82)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Sec. 2-51. Same—Powers and duties.

The director of finance and administration shall perform all duties and have all the responsibilities required and imposed by the laws of the United States and the state, the Charter and ordinances of the city, and such other functions, duties and powers as may be assigned by the mayor. In addition to the foregoing duties, functions, powers and responsibilities, the director of finance and administration, subject to the direction and supervision of the mayor, shall:

- (1) Be known as the chief administrative officer of the city and shall, as directed by the mayor, coordinate the activities of and exercise administrative oversight over the departments of the city, except the "mayor and councilmember's office" created by article I of this chapter, the office of the city controller, and the legal department.
- (2) Be executive head of the department of finance and administration, and as such, shall have control, supervision and authority over all officers and employees therein.
- (3) Be tax assessor and collector of the city and have all of the powers and duties provided by law or designate in writing a qualified individual who will perform the duties of the tax assessor and collector of the city with the same legal authority as the director of finance and administration as provided in section 2-55 of this Code.
- (4) Exercise and perform or cause to be exercised or performed all duties and functions assigned to the department of finance and administration.
- (5) Perform the duties of the city treasurer and all functions usually and customarily appertaining to such office, including all statutory duties and functions or designate in writing a full-time city employee who will perform the duties of the city treasurer with the same legal authority as the director of finance and administration as provided in section 2-55 of this Code.
- (6) Be the chief custodian of all city property, both real and personal, except property

that is assigned by law or by directive of the mayor to the custody of another city officer or department. Following the conclusion of each city fiscal year, the director shall provide the mayor with a full annual inventory of all property within his custody.

- (7) Recommend such legislation as may be necessary to more efficiently operate and maintain the department of finance and administration.

(Code 1968, § 2-2389; Ord. No. 82-1088, § 1, 7-6-82; Ord. No. 90-1090, § 1, 9-12-90; Ord. No. 91-1016, § 2, 7-17-91)

Sec. 2-52. Duties of department.

The department of finance and administration and such employees of the department as are assigned to it shall be charged with the following duties:

- (1) Prepare the mayor's annual operating budget as prescribed by the Charter and ordinances of the city and all related operational plans.
- (2) Prepare the mayor's annual capital improvement budget and all related financial plans.
- (3) Prepare all the mayor's special funds budgets in the manner required by law.
- (4) Supervise and administer the duties imposed by the ordinances, Charter and state law of the pension programs.
- (5) Supervise and administer the city's requirements for insurance by establishing a risk management program. In addition, supervise and administer fidelity bonds and notary public commissions.
- (6) Supervise and enforce ordinances pertaining to the collection of revenue.
- (7) Supervise and be responsible for the prompt collection of all ad valorem taxes levied, assessed due or becoming due to the city.
- (8) Supervise and be responsible for the preparation of a property tax list and inventory and the appraisal of all the taxable property within the city to the extent provided by law or contract.
- (9) Be responsible for and perform all of the applicable duties prescribed and specified by law pertaining to the rendition, assessment and collection of moneys and the giving of a receipt therefor in the collection of taxes by the city.
- (10) Review revenue-producing activities of the city; recommend methods of improving the efficiency of those departments of the city involved in such activities, recommend and assist in implementing methods and procedures designed to increase the revenues and efficiency of the city; and recommend new sources of revenue for the city.
- (11) Establish a system of management control and improvement through management reports to insure effective use of budgeted funds, personnel and facilities.
- (12) Establish a system of internal control and improvement through management analysis of operations of city departments.
- (13) Supervise the establishment and implementation of a system of administrative procedures to improve city operations.
- (14) Supervise and administer the duties and responsibilities of the city as provided by ordinance, Charter and state law in relation to its regulation of public utilities.
- (15) In the event of an application by a utility for a change in rates, to develop a recommendation and sponsor the city's case in the ensuing hearing.
- (16) Supervise, administer and enforce the franchises granted by the city.
- (17) To take all other steps necessary to improve the service rendered the public by the utilities and to assure fair and reasonable rates.
- (18) Manage the city's real and personal property within the custody of the director, including surplus city personal property, and maintain a perpetual inventory

thereof. Surplus city personal property, which means supplies, materials and equipment, excluding vehicles, that are obsolete or in excess of the city's requirements, may be sold, disposed of or destroyed in accordance with the following procedures:

- a. Items that have an estimated market value of \$25.00, or less, as determined by the director, may be donated to a nonprofit corporation or governmental entity in accordance with a policy developed by the director and approved by the mayor for use in providing services benefitting the residents of the city, or may be destroyed. An item that has a market value of \$25.00, or less, may be donated or destroyed only if, in the reasonable opinion of the director the cost of maintaining the item in inventory and the probable cost of attempting to sell the item exceed the market value of the item.
- b. Items that are not disposed of or donated in accordance with part a. that have an estimated market value of \$5000.00, or less, each as determined by the director, may be sold by informal bid, auction, negotiated sale or any other lawful method that in the opinion of the director will result in the best return to the city, taking into consideration storage and sale costs. The director shall provide at least one week's notice prior to such disposition. The notice may include any of the following: Internet; public posting; municipal channel advertisement; or any other reasonable public notice as determined by the director.
- c. Items that have an estimated market value of more than \$5000.00, as determined by the director, may be sold only at a publicly advertised auction, provided that if any such item does not sell at auction, then it may be disposed of as provided in part b. above.

- (19) Plan, oversee and monitor energy conservation programs for all city properties other than buildings.
- (20) Develop standard vehicle and equipment specifications and coordinate procurement.
- (21) Be responsible for provision of office services and reproduction management:
 - a. Pick up and deliver mail of city departments.
 - b. Provide printing and graphics services to city departments.
 - c. Coordinate acquisition and leasing of all types of reproduction equipment.
- (22) Be responsible for materials management:
 - a. Procure supplies, equipment, and services needed for use of the city in the manner provided by law.
 - b. Coordinate planning of material requirements for all city departments.
 - c. Plan for, implement and manage centralized distribution centers (stores).
 - d. Develop and monitor implementation of citywide policies, regulations, procedures and standards for procurement, materials requirement planning, warehousing and distribution.
 - e. Review and recommend procurement legislation.

Procurements relating to the construction, maintenance, furnishing and management of city buildings other than on aviation department property shall be coordinated with the building services department.

- (23) Support municipal, public, and educational access channels on Houston's cable television systems and operate the city's access studio.

(Code 1968, § 2-239; Ord. No. 82-1088, § 1, 7-6-82; Ord. No. 86-528, § 6, 4-22-86; Ord. No. 91-1076, § 3, 7-17-91; Ord. No. 95-1048, § 1, 9-27-95; Ord.

No. 99-378, § 2, 4-21-99; Ord. No. 02-528, § 14b., 6-19-02; Ord. No. 04-799, § 2, 7-28-04; Ord. No. 05-4, § 1, 1-5-05)

Sec. 2-53. Designation of temporary director.

The director of finance and administration shall designate, with the approval of the mayor, an employee who, during the temporary absence or incapacity of the director, shall have and perform all of the powers and duties of the director of finance and administration. Such appointee will serve in such capacity at the pleasure of the mayor and shall receive no additional compensation by reason of such appointment.

(Code 1968, § 2-240; Ord. No. 82-1088, § 1, 7-6-82)

Sec. 2-54. Authority of director to function in other capacities.

Whenever any provision of this Code or any other city ordinance provides for the taking of any action or the performance of any function by any of the city treasurer, the director of the treasury, the tax assessor and collector, the director of the tax department, the director of the public service department, the public service director, the director of the purchasing department, the purchasing agent, the director of general services, or the chief energy conservation officer, then the director of the department of finance and administration shall be authorized to take such action or perform such function, or to cause the same to be taken or performed. Provided, however, if the director of the department of finance and administration has elected to designate another person as the city treasurer or tax assessor and collector of the city as authorized in section 2-55 of this Code, then the person so designated shall perform any duty devolving upon that office.

(Code 1968, § 2-241; Ord. No. 82-1088, § 1, 7-6-82; Ord. No. 86-528, § 7, 4-22-86; Ord. No. 90-1090, § 2, 9-12-90; Ord. No. 91-1076, § 4, 7-17-91; Ord. No. 02-528, § 14c., 6-19-02)

Sec. 2-55. Designation of city treasurer or tax assessor and collector of the city.

The director of finance and administration is hereby authorized to delegate the performance of

the duties of city treasurer or tax assessor and collector of the city to a qualified individual by filing in the office of the city secretary a memorandum designating the person who shall perform each of such functions. In the event that such a delegation is made the person so delegated shall perform all duties devolving by law upon said office. Any designation shall remain in force and effect until a document shall be filed in the office of the city secretary revoking such designation or appointing another person to perform such function.

(Ord. No. 90-1090, § 3, 9-12-90)

Secs. 2-56, 2-57. Reserved.

DIVISION 2. PURCHASING FUNCTIONS*

Sec. 2-58. Method of making purchases.

(a) Except for certain categories of high technology procurement as provided by state law, the department of finance and administration shall contract for and purchase all supplies, merchandise, and articles of every description needed for the use of the city, subject to the provisions of all applicable laws regulating such purchases, and subject to the direction of the mayor and city council. In making purchases, such department, its agents, and employees shall use their best efforts to purchase the same at the least cost to the city. So far as practicable, and except as otherwise provided in this Code or by state law, all such supplies, merchandise and articles contracted for and purchased by the department shall be let or made upon competitive bids or proposals. Contracts for supplies for current use shall be limited as prescribed by the City Charter.

(b) It is hereby declared to be the policy of the city that all purchases and expenditures not exceeding \$10,000.00 may be based on informal bids, except where the department determines that the taking of informal bids would be impracticable (e.g., sole source, emergency, etc.); provided, however, all purchases or expenditures not

*Charter reference—Contracts and purchases, Art. II, § 19.

exceeding \$10,000.00 but greater than \$5,000.00 shall be authorized by resolution, motion or ordinance of the city council.

(c) As used in this division, the taking of "formal bids" means procurement which complies with the procedural steps prescribed by applicable state laws regarding the taking of competitive bids or proposals. The taking of "informal bids" means competitive procurement by means of any other process, otherwise compliant with this Code. (Ord. No. 91-1076, § 5, 7-17-91)

Sec. 2-59. Necessity for appropriation before purchase.

Before granting any requisition for or contracting for or accepting any bid or purchasing any supplies, merchandise, or articles, the director of the department of finance and administration shall cause an inquiry to be made as to whether or not there is an appropriation therefor out of which payment for same can be made, and if there is not, then the director shall refuse to grant such requisition or to contract for or accept such bids or purchase such supplies, merchandise, or articles. (Ord. No. 91-1076, § 5, 7-17-91)

Sec. 2-60. Rental of office equipment on a month-to-month basis.

(a) The department of finance and administration may rent office equipment on a month-to-month basis without taking formal bids when the monthly rental does not exceed \$5,000.00 pursuant to the following policy and standards:

- (1) Office equipment shall be deemed to include the following:
 - a. Copy machines.
 - b. Typewriters.
 - c. Furniture.
 - d. Personal computers.
 - e. Miscellaneous office equipment.
- (2) Each department shall establish its requirements for items of office equipment which it desires to rent on a month-to-month basis. Such requirements shall be furnished in writing to the department of finance and administration. Several ma-

chines shall be examined or inspected to determine which one best suits the specific requirements of a department. In addition to a machine's functional features, operational costs shall be taken into consideration.

On the basis of which machine best serves the requirements for which it is to be used, and with costs given a weighted value, a selection shall be made. In making a selection under this provision, the department of finance and administration shall determine the capability of the lessor to give maintenance to the item of office equipment on short notice, and the availability of trained technicians who are fully familiar with the machine so that servicing and repairs will be made in a good and workmanlike manner.

(b) The department of finance and administration may rent office equipment on a month-to-month basis without taking formal bids when the monthly rental does not exceed \$10,000.00 but is greater than \$5,000.00 if authorized by resolution, motion, or ordinance of the city council.

(c) Contract charges shall be paid monthly by the city upon receipt of an invoice therefor from the contractor.

(d) Rental and maintenance agreements for items of office equipment are hereby authorized when the obligations therefor are governed by the laws of the state and the obligations of the city do not exceed that of a bailee for hire, and all such lease agreements shall provide that the city shall have the option to terminate such lease agreement upon 30 days' written notice.

(e) If any price increase raises the monthly rental to more than \$10,000.00, the department of finance and administration shall immediately submit the rental to competitive bids or proposals as required by state law.

(Ord. No. 91-1076, § 5, 7-17-91)

ARTICLE IV. CITY RECORDS

DIVISION 1. GENERALLY

Secs. 2-61—2-65. Reserved.

DIVISION 2. CITY SECRETARY

Sec. 2-66. Office created; appointment and removal.

The department and office of city secretary is hereby created. The city secretary shall be appointed by the mayor and confirmed by the city council, and shall hold office subject to removal at any time by the mayor or city council. The city secretary shall be the director of the department of the city secretary.

(Code 1968, § 2-124; Ord. No. 05-91, § 2, 1-25-05)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Sec. 2-67. General duties.

The duties of the city secretary shall be to keep, record and preserve the minutes and proceedings of the city council, and to be custodian of all the papers and records of the council proceedings of the city, with power to make certificates of any proceedings of the city council, to affix the city seal thereto, and to do and perform all things and acts usually done or necessary to be performed by secretaries or clerks of cities in connection with the business thereof. In addition to the duties herein mentioned, the city secretary shall do and perform such other duties, acts and things as may be required of him by the mayor or city council.

(Code 1968, § 2-125)

Sec. 2-68. Authority of assistants.

During the absence or inability of the city secretary to act, any assistant city secretary shall discharge the functions and duties of the city secretary and shall act in the city secretary's place and stead.

(Code 1968, § 2-126)

Sec. 2-69. Endorsement on official communications.

It shall be the duty of the city secretary to endorse on all official communications and documents received by him the date and hour of the receipt of the same.

(Code 1968, § 2-127)

Sec. 2-70. Recording ordinances—Generally.

The city secretary shall record all ordinances and keep a record book for that purpose. The

transcriptions of such ordinances shall be in typewriting on loose leaves, numbered consecutively and shall be kept in a safe place until not less than 250 leaves or 500 pages of typewriting have accumulated when such leaves shall be bound securely in permanent book form. In lieu of such books the city secretary may make and preserve permanent microfilm copies of said ordinances, which shall be appropriately indexed by number and subject matter. Such microfilm copies shall constitute official public records of the city. (Code 1968, § 2-128; Ord. No. 72-1871, § 1, 10-17-72)

Sec. 2-71. Same—Annexation ordinances.

Whenever any ordinance annexing any territory to the city is passed upon its first reading or upon any subsequent or further reading, it shall, as soon thereafter as may be reasonably possible, be recorded at length in a separate record book kept by the city secretary for that purpose, together with an appropriate record of the date of its passage and whether the same is a passage upon its first or subsequent (including final) reading; provided, when any such annexation ordinance is passed on its final reading and approved by the mayor it shall not only be so recorded at length in such separate annexation ordinance book, but shall also then be recorded at length in the book in which ordinances generally are then being recorded, and in the form in which it was passed upon its final reading. In lieu of such books the city secretary may make and preserve permanent microfilm copies of said ordinances, which shall be appropriately indexed by number and subject matter. Such microfilm copies shall constitute official public records of the city. (Code 1968, § 2-129; Ord. No. 72-1871, § 2, 10-17-72)

Sec. 2-72. Fee for certificates issued under Alcoholic Beverage Code.

There is hereby established and the city secretary shall charge and collect a fee of \$1.00 for the preparation, issuance or signing of each certificate issued by the city secretary pursuant to the Texas Alcoholic Beverage Code, including, but not limited to, certificates issued pursuant to sections

11.37 and 61.37 of such code. The fees so charged and collected shall be periodically remitted to the city controller.

(Code 1968, § 2-22; Ord. No. 69-1690, §§ 1, 2, 8-27-69)

Cross reference—Alcoholic beverages, Ch. 3.

Sec. 2-73. Fee for district petitions.

The city secretary's office is hereby designated as the filing place for all petitions and requests for consent that are required by state law to be filed with the city for the inclusion of any land within the city or its area of extraterritorial jurisdiction in any district created under the authority of article III, section 52 or article XVI, section 59 of the Texas Constitution, whether by virtue of the creation of the district or the change of boundaries of a district in existence. There is hereby imposed a fee in the amount of \$425.00 which shall be payable upon the filing of each petition or request for consent in order to defray the city's costs in reviewing the same.

(Ord. No. 91-1171, § 1, 8-14-91)

Sec. 2-74. Notices of claims.

The city secretary's office is hereby designated as the place of official filing of any notice that is required or permitted to be given to the city under section 101.101 of the Texas Civil Practice and Remedies Code or section 11 of article IX of the city Charter, or both. The city secretary shall maintain a record of the date and time that each notice is filed and shall forward each notice or a copy thereof to the city attorney or his designee for disposition. Any notice that is not filed with the city secretary's office in accordance with this section shall be presumed not to have been received by the city.

(Ord. No. 94-957, § 1, 9-14-94)

Secs. 2-75—2-85. Reserved.

DIVISION 3. RESERVED*

Secs. 2-86—2-94. Reserved.

***Editor's note**—Former §§ 2-86—2-88, which comprised Div. 3 and pertained to the management and information systems department, were repealed by § 2 of Ord. No. 86-528, enacted April 22, 1986. The repealed provisions derived from §§ 2-224—2-226 of the 1968 Code and Ord. No. 73-2465, § 1, enacted Dec. 19, 1973.

DIVISION 4. COPIES GENERALLY

Sec. 2-95. Requests for accident reports.

Any person requesting copies of accident reports from the police department must furnish a request for such report signed by the person involved authorizing the delivery of such copy to the applicant therefor and releasing such department from all claims arising by reason of having furnished such report.

(Code 1968, § 2-19; Ord. No. 87-1321, § 1, 8-5-87)

Cross reference—Accident reports generally, § 45-286 et seq.

Sec. 2-96. Charge for records furnished by police department or municipal court.

There is hereby authorized a charge for certified copies of reports, records and other documents by the police department and clerks of the municipal courts. The fee for such services shall be \$3.40 for the first page of such document and \$1.70 for each additional page or part thereof.

(Code 1968, § 2-18; Ord. No. 87-1321, § 2, 8-5-87)

Sec. 2-97. Charge for criminal history record information reports (clearance letters).

There is hereby authorized a charge for the issuance of criminal history record information reports, known as clearance letters, in the amount of \$9.00 for each letter issued. Such letters may be issued for purposes of international travel and other lawful purposes in accordance with applicable federal and Texas laws and regulations.

(Ord. No. 87-1321, § 3, 8-5-87)

Sec. 2-98. Copies of council proceedings and similar public records.

(a) Upon application therefor, the city secretary shall furnish a true and correct copy of the record of any proceeding of the city council on file in his office and attach his certificate of true copy with the seal of the city thereon to same. For such service, the following fees shall be charged and collected by the city secretary:

- (1) All original pages, \$0.75 per page.

- (2) All carbon copies, \$0.25 per page.
- (3) All mimeographed copies, \$0.50 per page.
- (4) All photostatic copies, \$0.50 per page.
- (5) For certifying any instrument, \$0.50 for each certificate.

(b) The city secretary, upon the applicant preparing and furnishing him a true copy of the record of any proceeding of the city council on file in his office, shall compare the same and, if found correct, he shall attach his certificate of true copy with the seal of the city affixed thereon and for such service, he shall receive \$0.50 for each certificate and seal of office affixed thereon and \$0.25 for each page thereof.

(c) Either the city council or the mayor may, whenever the city council or the mayor shall deem it of public interest, waive the charge for any mimeographed copies of any ordinance, motion, resolution, or other record of any proceeding of the city council. The city secretary may waive the charge for any such copies requested by a governing body, official, or employee of any city.

(d) Upon application therefor, the city secretary shall furnish noncertified photographic reproductions of public records. For such service, the city secretary shall charge and collect a fee based upon the rules promulgated by the Texas Building and Procurement Commission in the Texas Administrative Code Title 1, Chapter III*, from time to time. Such fees shall be collected and accounted for as provided for in section 2-100 of this Code.

(e) Upon request therefor the city secretary shall provide copies of documents larger than 8½ inches by 14 inches in size including maps, charts, and other large documents. The fee shall be based upon the actual cost of reproducing the document requested including labor, equipment, materials, and related expenses.

(Code 1968, § 2-20; Ord. No. 74-1137, § 1, 7-2-74; Ord. No. 80-45, §§ 1, 2, 1-15-80; Ord. No. 91-1172, § 1, 2, 8-14-91; Ord. No. 94-862, § 2, 8-24-94; Ord. No. 02-528, § 11a., 6-19-02)

***Note**—It should be noted that the chapter referenced in the Texas Administrative Code is Chapter 111.

Sec. 2-99. Charges for copies by other departments.

All other city departments furnishing copies of reports, records and documents of such departments shall charge and collect a fee based upon the rules adopted in section 2-98 of this Code. Such fees shall be collected and accounted for as provided for in section 2-100 of this Code.

(Code 1968, § 2-20.1; Ord. No. 76-1258, § 1, 7-27-76; Ord. No. 94-862, § 3, 8-24-94; Ord. No. 02-528, § 11b., 6-19-02)

Sec. 2-100. Accounting for fees; failure to collect fees.

Such fees as are collected under this division shall be the property of the city, and shall be accounted for by the officer receiving same, and paid over to the assessor and collector of taxes of the city semi-monthly, on the fifteenth and thirtieth of each month, following the collection thereof, and a failure of any officer or employee to collect such fee when collectible, or to account for same and pay the same over to the assessor and collector of taxes for the city after the collection of same, shall be deemed a malfeasance in office and such officer or employee failing to collect same or to account and pay over same to the assessor and collector of taxes shall be removed.

(Code 1968, § 2-21)

Sec. 2-101. Copies of records to laid-off employees.

Notwithstanding the provisions of section 2-98 of this Code, any person laid off from city employment will be entitled to one copy of the civil service rule provisions applicable to his or her layoff and one copy of his or her personnel file without charge upon request to the human resources director.

(Ord. No. 88-1284, § 1, 7-27-88; Ord. No. 96-1290, § 1, 12-4-96)

Cross reference—Layoffs (Civil Service Rule 11), § 14-140 et seq.

Secs. 2-102—2-110. Reserved.

DIVISION 5. MUNICIPAL RECORDS MANAGEMENT*

Sec. 2-111. Definitions.

For the purpose of this division, the following words and terms shall have the meanings respectively ascribed:

City record means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

- (1) Extra identical copies of documents created only for convenience of reference or research by officers or employees of the city government;
- (2) Notes, journals, diaries, and similar documents created by an officer or employee of the city government for the officer's or employee's personal convenience;
- (3) Blank forms;
- (4) Stocks of publications;
- (5) Library and museum materials acquired solely for the purposes of reference or display; or
- (6) Copies of documents in any media furnished to members of the public to which they are entitled under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), or other state law.

Custodian means the appointed or elected public officer who by the city charter, state law, ordinance or administrative policy is in charge of an office that creates or receives city records.

***Editor's note**—Section 1 of Ord. No. 91-88, adopted Jan. 16, 1991, amended Div. 5 to read as herein set forth. Prior to such amendment, Div. 5 consisted of §§ 2-111—2-118 which pertained to similar subject matter and derived from § 2-73 of the 1968 Code and Ord. No. 85-1380 which adopted this Code.

Director and librarian means the executive and administrative officer of the Texas State Library and Archives Commission.

Office means any office, department, division, program, commission, bureau, board, committee, or similar entity of the city government.

Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

Records management means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management officer means the person designated in section 2-114 pursuant to section 203.025 of the Texas Local Government Code as the records management officer for the City of Houston.

Records retention schedule means a document issued by the Texas State Library and Archives Commission under authority of Subchapter J, Chapter 441, Government Code, establishing mandatory retention periods for city records. (Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-112. City records declared public property.

All city records as defined in section 2-111 of this Code are hereby declared to be the property of the City of Houston. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he

or she may have developed or compiled with them. The unauthorized destruction, removal from files, or use of such records is prohibited. (Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-113. Policy.

It is hereby declared to be the policy of the City of Houston to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition.

(Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-114. Designation of records management officer.

The director of the department of finance and administration shall be the city's records management officer and shall be responsible for city-wide files management and the direction and control of the city's records disposition program.

(Ord. No. 91-88, § 1, 1-16-91; Ord. No. 91-1076, § 9, 7-17-91)

Sec. 2-115. Duties of the records management office.

The specific duties of the records management office and its employees shall include, but not be limited to, the following:

- (1) Plan, formulate, and prescribe basic files management and records disposition policies, systems, standards, and procedures.
- (2) Prepare records control schedules in cooperation with the heads of all city offices and departments, define and identify vital and permanent records, and establish retention periods for all records which shall be at least as long as any mandatory retention periods established by the librarian and director.
- (3) Review schedules annually and update or amend as needed.

- (4) Coordinate the city-wide files management and records disposition programs and report annually to the mayor on program effectiveness.
 - (5) Provide records management advice and assistance to all city offices and departments by preparation of manuals of procedure and policy and by on-site consultation.
 - (6) Develop, disseminate, and coordinate files maintenance and records disposition procedures, including, but not limited to, those prescribed by this division 5, to meet the current and long-term information needs of the city.
 - (7) Train departmental records officers and other personnel in the fundamentals of records management and their duties in the records management program.
 - (8) Carry out at the proper time actions such as microphotography, destruction, and transfers that are required by records control schedules.
 - (9) Establish and monitor compliance with standards for filing and storage equipment and supplies in all city offices and departments.
 - (10) Develop a city-wide forms design and control system.
 - (11) Establish in cooperation with other responsible city officials a disaster plan for each city office and department to ensure maximum availability of records for reestablishing operations quickly and with minimum disruption and expense.
 - (12) Develop procedures to ensure the permanent preservation of the historically valuable records of the city.
- (Ord. No. 91-88, § 1, 1-16-91; Ord. No. 05-91, § 1, 1-25-05)

Sec. 2-116. Responsibilities of city office and department directors.

Unless otherwise provided by law, all city office and department directors shall serve as custodians of the city records created or received by their

offices or departments. They shall be responsible for the implementation and operation of the effective files procedures, records transfers and dispositions, and other activities within their areas of responsibility in accordance with the provisions of this division. They shall designate records officers within their offices and provide the records management officer the names of such designees and of all file stations and file personnel under their supervision. Persons designated as records officers shall report directly to the directors of their departments on matters relating to the records management program and should have full access to all files in their department.

(Ord. No. 91-88, § 1, 1-16-91; Ord. No. 05-91, § 1, 1-25-05)

Sec. 2-117. Responsibilities of records officers.

The records officer in each office and department is responsible for providing coordination between the records management officer and personnel in his or her office to ensure that provisions of this division are complied with. This responsibility shall include overseeing the application of records control schedules within the office or department.

(Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-118. City offices to use records control schedule.

In accordance with the Local Government Records Act, Tex. Local Government Code, section 201.001, et seq., all city offices and departments shall adopt records control schedules and destroy, transfer, or otherwise dispose of records only according to such schedules.

(Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-119. Development of records control schedules.

(a) Retention periods to be included in records control schedules shall be submitted by the records management officer to the city attorney, who shall notify the records management officer within 20 working days of his approval or of any objection to a retention period or request additional time not to exceed 20 additional working days in which to

respond. At the expiration of the period (which shall not exceed 40 working days), if no objection has been submitted, the records control schedule shall be adopted by the city. If objection is made, the records management officer shall determine a retention period satisfactory to the office or department concerned and to the city attorney. Retention periods shall be at least as long as any mandatory period established by the librarian and director. If approved by the director and librarian of the Texas State Library and Archives Commission in accordance with section 202.001 of the Texas Local Government Code, the records control schedule shall have full force as sufficient authorization for records destruction or other action.

(b) When a records control schedule is adopted by the city and approved by the director and librarian, it shall thenceforth constitute full authority to destroy, transfer, microphotograph, or take other actions, and the city council hereby directs that such action be taken by the records management officer. No further notice to the city council or other city office shall be required.

(c) Revision of retention periods shall be submitted for review to the city attorney in the same manner as the original retention periods. (Ord. No. 91-88, § 1, 1-16-91; Ord. No. 91-1076, § 10, 7-17-91)

Sec. 2-120. One-time destruction of records.

Prior to the adoption of records control schedules for an office, a one-time destruction of accumulated obsolete records of that office may be made by or under the supervision of the records management officer if approved by the director and librarian pursuant to sections 203.044 through 203.045 of the Texas Local Government Code. Prior to such destruction the records management officer shall submit lists of records to be destroyed to the city attorney, who shall give notice within 30 working days of any records he believes should not be destroyed, and such records shall be retained for a period suggested by him. The records management officer shall also submit notice as required by law to the director and librarian. Obsolete records shall include those no

longer created by the office or department and no longer needed for administrative, legal, fiscal, or other research purposes.

(Ord. No. 91-88, § 1, 1-16-91; Ord. No. 91-1076, § 10, 7-17-91)

Sec. 2-121. Preservation of permanent records.

The records management officer shall develop procedures to ensure the permanent preservation of the historically valuable records of the city. In no circumstances shall the permanent records of the city be transferred to private individuals, to private historical societies or museums, or to private colleges or universities.

(Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-122. Noncurrent records not to be maintained in office files.

Records no longer required in the conduct of current business by any office or department of the city shall be promptly transferred to archives or be destroyed, at the time such action is designated on an approved records control schedule. Such records shall not be maintained in current office files or equipment.

(Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-123. Confidentiality.

Nothing in this division 5 shall be deemed to authorize the records management officer to inspect the contents of any record which is confidential or to which access is otherwise restricted by law. The confidentiality of such information shall be maintained in accordance with section 203.023(8) of the Texas Local Government Code. (Ord. No. 91-88, § 1, 1-16-91)

Sec. 2-124. Reserved.

DIVISION 6. RELEASES

Sec. 2-125. Fees for releases of liens.

A fee of \$36.70 shall be charged for the initial recordable release furnished by the city upon payment of any obligation secured by a lien. A fee

of \$73.40 will be charged for each additional subsequent release of the same obligation and lien.

(Code 1968, § 2-23; Ord. No. 74-831, § 1, 5-21-74; Ord. No. 84-898, § 1, 6-12-84)

Secs. 2-126—2-135. Reserved.

ARTICLE V. FINANCIAL AFFAIRS*

DIVISION 1. GENERALLY

Sec. 2-136. City depositories—Generally.

(a) The depositories of the funds of the city shall be such banks as are designated and enumerated from time to time by ordinance of the council and nothing in this Code or the ordinance adopting the same shall be deemed to affect the validity of any ordinance making such designations.

(b) The officers of the city entrusted with the depositing of funds of the city shall deposit such funds to the credit of the city in the banks designated and enumerated by ordinance pursuant to this section.

(Code 1968, § 2-13)

Sec. 2-137. Same—Deposit of sinking fund securities and unsold bonds.

All securities owned by the city sinking fund, and all unsold bonds of the city, shall be kept in any of the depositories designated pursuant to section 2-136, and shall be under the joint control of the director of treasury and the city controller.

(Code 1968, § 2-14)

Sec. 2-138. Setting off taxes and other debts against city creditors.

(a) Any person who sells goods, wares or merchandise of any name, nature or description to the city, and who is indebted to the city for taxes of any kind, or who owes the city any other debt, shall either pay his taxes or other debt due to the

city or else the city shall have the right to setoff such taxes or other debts out of such amount owed by the city.

(b) It shall be the duty of the city controller to ascertain from the tax assessor-collector whether or not any person collecting money from the city is indebted to the city for taxes or in any other way and if it is ascertained that such person is indebted to the city for taxes or in any other way, it shall be the duty of the city controller to report same to the mayor and he shall withhold the payment of the claim until the person legally entitled to collect the same has paid the taxes or any other debt due to the city.

(Code 1968, § 2-111)

Sec. 2-139. Dishonored checks, money orders, etc.

(a) If any party attempts to pay any bill, charge, fee, tax, fine or other indebtedness or obligation to the city by check, money order or similar instrument, and if the instrument is dishonored, then:

- (1) The bill, charge, fee, tax, fine or other indebtedness or obligation shall be deemed to remain unpaid; and
- (2) An additional dishonored instrument fee equal to 80 percent of the maximum processing fee permitted by § 3.506 of the Texas Business and Commerce Code, or any successor statute, shall be payable to the city by the maker of such instrument in addition to the total amount of such bill, charges, fees, taxes, fines, or other indebtedness if the instrument is not referred to a collection agency under contract with the city. If the dishonored instrument is referred by the city to a collection agency under contract with the city, then the dishonored instrument fee shall be the collection fee specified in the contract or the maximum fee permitted by state law, whichever is less. The dishonored instrument fee shall be in addition to any other applicable charges including charges for late payment.

(b) This section does not apply in the case of checks, money orders or similar instruments dishonored in the course of any attempt to pay any

***Charter reference**—Financial affairs generally, Art. VIa.

Cross references—Acceptance of statutory appearance bond, § 16-101 et seq.; use of revenue derived from the operation of parks, § 32-7; taxation, Ch. 44.

bill, charge, fee, tax, fine or other indebtedness or obligation by a check, money order or similar instrument drawn on or issued by a financial institution which has had its funds frozen by involuntary or voluntary action, if such freezing occurs after the attempt to pay the bill, charge, fee, tax, fine or other indebtedness or obligation in such manner. In such event the party attempting such payment shall not be charged the dishonored instrument fee if the bill, charge, fee, tax, fine or other indebtedness or obligation is paid within ten days from the date such party has been mailed a written notice that payment on the check, money order or similar instrument has not been honored.

(Ord. No. 87-1318, § 2, 7-29-87; Ord. No. 92-179, § 2, 2-19-92; Ord. No. 05-99, § 2, 2-2-05)

Secs. 2-140—2-150. Reserved.

DIVISION 2. CITY CONTROLLER*

Sec. 2-151. Office created.

There is hereby created a department of the municipal government of the city to be known as the controller's office, the director of which shall be the city controller.

(Code 1968, § 2-108; Ord. No. 05-91, § 3, 1-25-05)

Sec. 2-152. Approval or disapproval of forms and blanks pertaining to accounting system.

(a) Forms for books or blanks pertaining to the accounting system of the city must be submitted in duplicate to the city controller before being adopted, printed or used by any departmental officer or person required to render periodical accounts to the city controller. If the city controller approves the form submitted, he shall file one copy in this office and return the other to the proper official, with his approval endorsed thereon.

(b) Should the city controller disapprove the form of any blank or book submitted to him, he shall thereupon prepare in his office a form to take the place of the form submitted and forward the same to the proper officer duly approved;

*Charter reference—City controller, Art. VIII.

provided, however, should the city controller determine that the blank form submitted will be unnecessary to the accounting system of the city, the proper officer shall be duly notified of such decision and such form shall not be adopted, printed or used by the department, officer or person submitting the same.

(Code 1968, § 2-110)

Sec. 2-153. Account with chief of police as to fines, etc.

(a) The city controller shall open an account with the chief of police of the city in which he shall charge the chief of police with all fines assessed in the municipal courts and credit him with all amounts paid on fines and deposited with the tax assessor and collector, together with such allowance on fines as provided for and referred to in chapter 35 of this Code.

(b) The city controller shall use, as his authority for the entries in this account, the daily reports furnished him by the clerk of the municipal court and the chief of police. He shall charge the chief of police with the total amount of fines assessed as shown on the report of commitments issued, and shall credit the chief of police with the total amount of fines discharged either by payment of cash or otherwise as shown in the reports of commitments returned.

(c) It shall be the duty of the city controller to file with the city council, as early as practicable after the close of each month, a statement which shall show the balance, if any, brought forward at the beginning of the month, the total amount debited to this account and the total amount credited to this account during the month, together with an analysis of any balance shown to be due the city, which shall give the case number, the date of commitment, the name of the defendant and the amount of fines and costs due the city in each of the cases remaining unpaid and represented in the balance due the city as reflected by this account.

(Code 1968, § 2-112)

Sec. 2-154. Destruction of documents.

The city controller, subject to the approval of the legal department, is hereby authorized to

destroy or cause to be destroyed old vouchers, warrants and checks, representing completed transactions, and still in his possession, after the lapse of 15 years from the date of issuance of such documents. He is also authorized, subject to such approval, to destroy or cause to be destroyed cancelled bonds and interest coupons after the lapse of 15 years from the date of cancellation. (Code 1968, § 2-113)

Sec. 2-155. Authority of designated deputy city controller.

The city controller shall designate a deputy city controller who, during any temporary absence or incapacity of the city controller, shall act for and on behalf of the city controller and shall possess all of the powers and perform all of the duties of the city controller; provided however, that any such designee shall be bonded as provided in section 2-37 of this Code.

(Code 1968, § 2-114; Ord. No. 68-1624, § 1, 10-2-68; Ord. No. 04-1243, § 1, 12-1-04)

Secs. 2-156—2-180. Reserved.

DIVISION 3. RESERVED*

Secs. 2-181—2-200. Reserved.

***Editor's note**—Former §§ 2-181—2-186, which comprised Div. 3 and pertained to the purchasing department, were repealed by § 3 of Ord. No. 86-528, enacted April 22, 1986. The repealed provisions derived from §§ 2-156—2-160, 2-162 of the 1968 Code and Ord. No. 77-651, § 1, enacted March 29, 1977; Ord. No. 78-658, § 1, enacted April 4, 1978; Ord. No. 82-1317, §§ 1, 2, enacted Aug. 28, 1982; and Ord. No. 85-2120, §§ 1, 2, enacted Dec. 10, 1985.

ARTICLE VI. CITY PROPERTY†

DIVISION 1. GENERALLY

Sec. 2-201. Acceptance of deeds, dedications, easements, etc., by mayor.

The mayor is hereby authorized to accept, on behalf of the city, without action or further action by the city council, any and all deeds, dedications, easements and other instruments granting to the city any right, title, interest or use in or to any lands, or other property, both real and personal, and which are delivered to the city as a gift or for a consideration not to exceed \$25.00, or for a recited consideration that has been previously approved by the city council. All such instruments so accepted shall be recorded by the director of public works and engineering in the official public records of real property of the county within which the land described therein is located, and the director of public works and engineering shall additionally notify the city secretary of the acceptance of each such instrument. Thereafter the original recorded deeds or other instruments shall be filed in the inventory records of the appropriate offices of the public works and engineering department.

(Code 1968, § 2-5; Ord. No. 86-1979, § 1, 11-10-86; Ord. No. 90-635, § 4, 5-23-90; Ord. No. 93-514, § 3, 5-5-93)

Sec. 2-202. Execution of bills of sale for city property.

In any case where the city council has authorized the sale of improvements, chattels or fixtures appertaining to land owned by the city or has authorized the sale of any personal property owned by the city, the director of public works and

†**Charter references**—Sale or lease of city property, Art. VII, § 9; public property exempt from execution sale, Art. XI, § 9.

Cross references—Purchase of city property by antique dealers, § 7-20; purchase of city property by junk dealers, scrap metal processors, etc., § 7-61; purchase of city property by pawnbrokers, § 7-86; painting or posting advertising matter on streets, sidewalks, bridges, etc., § 28-38; posting advertising matter on traffic signs, utility poles, etc., § 28-39; smoking in city buildings, § 28-27 et seq.; use of candles on certain city properties, § 28-32; abandonment of city-owned utility facilities, § 47-266 et seq.

engineering, or the director of finance and administration, is hereby authorized to execute for and on behalf of the city a bill of sale embodying the terms and provisions of the sale as authorized by the city council, and the city secretary is hereby authorized to attest such bills of sale and affix the corporate seal thereto.

(Code 1968, § 2-12; Ord. No. 90-635, § 4, 5-23-90; Ord. No. 93-514, § 3, 5-5-93)

Secs. 2-203—2-235. Reserved.

**DIVISION 2. ABANDONMENT, SALE, ETC.,
OF CITY LAND, STREETS, ETC.***

Sec. 2-236. Sale of city land generally.

(a) Any land owned by the city, other than land provided for in sections 2-237, 2-238 and 2-239, determined not to be needed for city purposes, shall be advertised and may be sold to the highest bidder upon authorization of the city council, based upon the appraised fair market value of such land. The selling price for such land shall never be for less than the market value fixed by city council, which determination as to such market value will be final.

(b) When such land is advertised for sale upon authorization of the city council, any bidder may bid on the basis of all or part of the consideration for such land being the conveyance to the city of good, clear and merchantable title to land which the city council, prior to the advertisement for bids, has determined is needed by the city for public purposes.

(Code 1968, § 2-6; Ord. No. 74-803, § 1, 5-15-74)

Sec. 2-237. Abandonment of streets and alleys.

Streets or alleys, whether owned in fee or used by easement, may be sold to the abutting owner or

***Editor's note**—Section 5 of Ord. No. 90-635, adopted May 23, 1990, repealed former Div. 2 of Ch. 2, Art. VI, and redesignated former Div. 3 as Div. 2. (The sections within new Div. 2 have not been renumbered.) Former Div. 2, §§ 2-216—2-220, pertained to the real estate department and derived from § 4 of Ord. No. 86-528, adopted April 22, 1986.

Charter reference—Limitations on sale or lease of real estate, Art. VII, § 9.

Cross reference—Abandonment of city-owned utility facilities, § 47-266 et seq.

owners, in proportion to the underlying fee ownership as exists, or would exist if by easement. When ownership is of the underlying fee, the apportionment shall be determined by city council, which determination will be final. Upon the payment of:

- (1) A fee of \$300.00; or
- (2) The appraised market value of the street or alley, based on not less than one appraisal; or
- (3) The actual costs to the city based upon a "per square foot" proration of the city's cost plus the cost of any city improvements subsequently made that pertain to the property covered by the street or alley;

whichever is greatest, and after abandonment of the street or alley, the city will deliver a certified copy of the ordinance effecting abandonment to the owners of the fee simple title thereto, or to the abutting owners. The market value of any street or alley shall be fixed by city council, which determination as to such market value will be final.

(Code 1968, § 2-7; Ord. No. 74-803, § 1, 5-15-74; Ord. No. 88-171, § 1, 2-10-88)

Sec. 2-238. Abandonment of easements.

Easements, other than streets or alleys, may be sold to the abutting owner or owners, in proportion to the underlying fee ownership as exists, upon the payment of:

- (1) A fee of \$300.00; or
- (2) The appraised market value of the easement, based on not less than one appraisal; or
- (3) The actual costs to the city based upon a "per square foot" proration of the city's costs plus the cost of any city improvements made that pertain to the property covered by the easement;

whichever is greatest, and after abandonment of the easement, the city will deliver a certified copy of the ordinance effecting abandonment to the owners of the fee simple title thereto. The market

value of any easement shall be fixed by city council, which determination as to such market value will be final.

(Code 1968, § 2-8; Ord. No. 74-803, § 1, 5-15-74; Ord. No. 88-171, § 2, 2-10-88)

Sec. 2-239. Narrow strips of land.

Fee-owned narrow strips of land, or land so shaped as to be incapable of being used independently, may be sold to the abutting owner or owners, in proportion to the abutting ownership.

- (1) Apportionment will generally be based on:

- a. The projection of existing abutting property lines over such narrow strip; or
- b. Street frontage, if any; or
- c. Access to the property;

said apportionment to be determined by city council, which determination will be final.

- (2) Payment for such tract of land shall be made in the amount of:

- a. A fee of \$300.00; or
- b. The appraised market value of the tract of land, based on not less than one appraisal; or
- c. The actual costs to the city based upon a "per square foot" proration of the city's cost plus the cost of any city improvements subsequently made that pertain to the tract of land;

whichever is greatest. The market value of such tract of land shall be fixed by city council, which determination as to such market value will be final.

(Code 1968, § 2-9; Ord. No. 74-803, § 1, 5-15-74; Ord. No. 88-171, § 3, 2-10-88)

Sec. 2-240. Conditions to all sales.

(a) Nothing in this division shall be construed to require the city council to accept any bid or offer, or be required to consummate any sale of any land or property interest or to give any person

a vested right to compel the city either to abandon, vacate or dispose of any land or any easement or right therein, or to compel or require that the same be upon any particular or exact terms or consideration.

(b) Any applicant under sections 2-237, 2-238 or 2-239 shall be required to make a cash deposit with the city equal to \$300.00 plus the city's estimate of its cost to obtain appraisals of the land or property interest in question, or any re-appraisal thereof requested by or on behalf of the applicant, as reflected by the estimates of the cost to perform such work submitted by the appraisers selected by the city. All such appraisals or re-appraisals shall be obtained in the name of, and solely for the use and benefit of, the city. The \$300.00 deposit, and the amount deposited for the first appraisal(s) only, shall be applied to the purchase price of the land or property interest under sections 2-237, 2-238 or 2-239 if the abandonment and sale is completed. The entire amount so deposited shall be forfeited by the applicant to the city the event the abandonment and sale is not completed.

(c) This division shall be subject to the requirement in article VII, section 9, of the Charter that "in all sales or leases in which the price or money rental is in excess of \$25,000.00 the property shall be first appraised by two qualified appraisers appointed by the council, their report in writing to be filed with the council for its consideration."

(d) The city council shall not sell or lease any interest in real property in which the price or money rental is in excess of \$25,000.00 unless the property has been appraised by two qualified appraisers who are not city employees, which appraisers shall be appointed by city council.

(Code 1968, §§ 2-10, 2-11; Ord. No. 74-803, § 1, 5-15-74; Ord. No. 86-1582, § 1, 9-9-86; Ord. No. 88-171, § 4, 2-10-88; Ord. No. 92-984, § 1, 7-15-92)

Sec. 2-241. Alternate appraisers.

(a) Whenever the provisions of the City Charter or this Code require the appointment by city council of one or more real estate appraisers, who are not city employees, to appraise real property

for purposes of a real estate transaction, the city council may, in addition to the required number of appraisers, appoint one alternate appraiser.

(b) An alternate appraiser who has been appointed under subsection (a) shall not be engaged to perform an actual appraisal or be entitled to any compensation therefor, unless the director of public works and engineering or an authorized deputy or assistant director substitutes the alternate for one of the regularly appointed appraisers and upon finding that the regularly appointed appraiser has declined to accept the engagement, is unable to be located, is unable for any reason to accept the engagement, or is unable to complete the engagement within a reasonable period of time that is consistent with the scope of the work and the city's need to complete the transaction. When the alternate appraiser will be substituted for one of the regularly appointed appraisers, the director of public works and engineering or an authorized deputy or assistant director will notify city council in writing of the substitution.

(c) The city council hereby delegates to the director of public works and engineering and any authorized deputy or assistant director the authority to perform the functions contemplated in this section.

(d) This section shall not apply to transactions involving the Houston Airport System.
(Ord. No. 04-338, § 2, 4-21-04)

Secs. 2-242—2-255. Reserved.

ARTICLE VII. LEGAL DEPARTMENT*

DIVISION 1. GENERALLY

Sec. 2-256. Created; department director.

There is hereby created a legal department of the city, and the city attorney shall be the director of such department.

(Code 1968, § 2-140; Ord. No. 05-91, §§ 1, 4, 1-25-05)

***Cross references**—Representation of criminal defendants by city employees, § 16-65; city as party to suit to enjoin or abate recorded restrictions affecting subdivision, § 41-8 et seq.

Sec. 2-257. City attorney's office created; appointment and removal of city attorney.

There is hereby created the office of city attorney of the city. The holder of such office shall be appointed by the mayor and confirmed by the city council and may be removed from office by the mayor at any time.

(Code 1968, § 2-141)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Sec. 2-258. General duties of city attorney.

The city attorney shall represent the city in all actions and proceedings before any court, commission, board or other judicial or administrative authority. He shall represent the city in all other legal matters. Upon request, he shall render opinions and advice to the mayor or city council upon any legal matter affecting municipal affairs. He shall render opinions and advice to city boards, commissions or directors of city departments, when requested in writing, upon any legal matter affecting the affairs of such board, commission or department. He shall maintain complete records in his department and perform such other duties as may be assigned from time to time by the mayor and city council.

(Code 1968, § 2-142; Ord. No. 05-91, § 1, 1-25-05)

Sec. 2-259. Assistant city attorneys.

The first assistant city attorneys and all assistant city attorneys shall be appointed and removed by the mayor at will. They shall aid and assist the city attorney in the exercise of his powers and duties, acting in his place when directed by him, and shall perform such duties as shall be assigned to them by the mayor, the city council, and the city attorney. For the purpose of discharging any power vested in the city attorney by Chapter 45 of the Code of Criminal Procedure of the State of Texas, the first assistant city attorneys and all assistant city attorneys shall each be considered a deputy of the city attorney.

(Code 1968, § 2-143; Ord. No. 93-1096, § 1, 9-8-93)
Charter reference—Appointment of employees, Art. VI, § 7a.

Sec. 2-260. Authority of city attorney relative to agreements for installment payment for damages to city property resulting from collisions.

In instances where any property, including, but not limited to, motor vehicles, owned by the city has been damaged in a collision involving a person operating a motor vehicle who has not complied with the requirements as to proof of financial responsibility, as provided by Article 6701h, Revised Civil Statutes, the city attorney, or his designated assistant, is hereby authorized to accept, execute and acknowledge on behalf of the city written agreements providing for the payment to the city of an agreed amount of money in installments to be paid by persons operating motor vehicles which have been in collision with and have caused damage to such city-owned property, such agreement being in compliance with Section 5 of said Article 6701h. The city attorney, or his designated assistant, is also authorized to execute and acknowledge on behalf of the city all releases of indebtedness and liability after full payment of all agreed installments have been made to the city.

(Code 1968, § 2-145)

Sec. 2-261. Authority of city attorney to accept immediate right of entry agreements under certain conditions.

Whenever an emergency exists requiring that the city obtain immediately the legal right to possession of all lands required for a certain public improvement or project and the director of public works and engineering shall certify that such an emergency exists, the city attorney is authorized to accept from any property owner whose land is required for such project an instrument granting the right of entry to the city and its contractors to take possession of the land and proceed with the construction of the improvement, which instrument may provide for the payment to the owner of interest at the legal rate from the date of the right of entry upon whatever compensation shall be paid him, either by purchase or condemnation award.

(Code 1968, § 2-146; Ord. No. 70-1754, § 1, 10-7-70; Ord. No. 90-635, § 6, 5-23-90; Ord. No. 93-514, § 4, 5-5-93)

Sec. 2-262. Authority of city attorney to institute and settle suits for debts and damages owed to the city.

(a) The city attorney or any of his assistants are hereby authorized to institute lawsuits on behalf of the city in any court of competent jurisdiction to recover any debt or damages owed to the city when in the exercise of their judgment such action is necessary. For the purposes of this subsection, any debt or damages owed to the city shall mean any monies deemed by a department to be payable to the city, or any money owed to the city under a previously executed installment contract.

(b) In a suit instituted under the authority of this section, the city attorney or his assistants are hereby authorized to make any settlement or compromise which in their judgment is in the best interest of the city.

(Code 1968, § 2-147; Ord. No. 73-730, § 1, 4-18-73)

Sec. 2-263. Replacement of bonds and bond coupons—authorized; costs; collection of fees.

(a) The city is authorized by Article 715a, Vernon's Texas Civil Statutes, as amended, and Section 8.405, Texas Business and Commerce Code, as amended, to issue a replacement bond for any bond theretofore lawfully issued and which is outstanding to replace, without an election, any such bond which has been destroyed, lost or stolen, upon receipt by the city of an indemnity satisfactory to the city together with an affidavit satisfactory to

the city to establish proof of ownership and the circumstances of the loss, theft, destruction, mutilation or damage of such bond.

(b) The costs incurred by the city in issuing a replacement bond or bond coupon include personnel costs of the city secretary's, city controller's and city attorney's offices for time consumed in processing requests for replacements, research costs, managerial costs for review and signing all required documents, and legal fees.

(c) The city attorney shall levy and collect a fee, as set out in the fee schedule below, for the replacement of bonds and bond coupons. The fees shall be collected by the city attorney and transferred to the city controller for deposit in the city's general fund. All relevant records and the original transcript pertaining to the replacement bond or coupon shall be delivered to the city controller. (Ord. No. 88-30, § 1, 1-6-88)

Sec. 2-264. Same—Fees.

(a) The following fees shall be charged for the issuance of a replacement for a bond(s) or coupon(s) which has been lost, stolen, destroyed or mutilated.

- (1) *Registered bonds.* A fee of \$400.00, payable by the owner requesting the replacement bond(s) or coupon(s). This fee shall cover all costs, except printing costs, associated with replacing the bond(s) or coupon(s).
- (2) *Bearer bonds.* A fee of \$1,100.00, payable by the owner requesting the replacement bond(s) or coupon(s). This fee shall cover all costs, except printing costs, associated with replacing the bond(s) or coupon(s).
- (3) *Printing costs.* The actual invoice cost for printing of the replacement bond(s) or coupon(s), payable by the owner requesting the replacement bond(s) or coupon(s).
- (4) *Use of personal counsel.* In the event that the owner requesting the replacement of bond(s) and/or coupons uses his or her personal counsel rather than the city attorney to prepare and have printed the required documents and certificates, the fee assessed by the city for its review and processing of

the documents shall be as follows: \$300.00 for registered bond(s) and/or coupon(s), \$650.00 for bearer bond(s) and/or coupon(s).

(b) The fees shall be the same for replacing matured and unmatured bond(s) or coupon(s). The owner requesting the replacement will be assessed the applicable fees only once for replacement of single or multiple bond(s) or coupon(s), in the event that the bond(s) or coupon(s) are from the same bond series or issuance and the request for replacement of all the bond(s) or coupon(s) are made simultaneously. A fee will be assessed for each separate request for replacement of bond(s) and coupon(s) from different bond series or issuances. (Ord. No. 88-30, § 2, 1-6-88)

Secs. 2-265—2-267. Reserved.

DIVISION 2. NUISANCE ABATEMENT

Sec. 2-268. Policy.

Consistent with the remedies available under chapter 125 of the Texas Civil Practices & Remedies Code ("chapter 125"), it is the policy, but not the duty, of the city to aggressively pursue remediation of nuisance properties, including properties used for gambling, prostitution, obscenity offenses, controlled substance violations and other offenses that are enumerated in chapter 125. In cooperation with the police department and county law enforcement and prosecution officials, the legal department shall pursue suits whenever appropriate under chapter 125. (Ord. No. 94-923, § 3, 9-7-94)

Sec. 2-269. Alternative remedies.

Whenever practicable, the city attorney shall notify the owners, tenants or persons in possession of a property prior to initiating a suit under chapter 125. However, prior notice shall not be required if in the judgment of the city attorney the giving of notice would not be in the best interest of the public, including, but not limited to, instances where the severity of the situation justifies immediate legal action or situations where

there is reason to believe that the owners, tenants or persons in possession might attempt to avoid service if they were aware of the filing of a suit. (Ord. No. 94-923, § 3, 9-7-94)

Sec. 2-270. Alternative resolutions.

(a) In those instances in which the owners, tenants or persons in possession of property that is subject to a suit under this division indicate a willingness to attempt to rectify their nuisance conditions without a suit or in settlement of a suit, the city attorney may agree to forebear or abate the suit under chapter 125 upon a written undertaking by the owners, tenants or persons in possession of the property to take one or more of the following actions, as appropriate:

- (1) The installation and use of lighting on the property to avoid dark passageways and exterior areas;
- (2) The initiation or enhancement of privately funded security patrol services on the property;
- (3) The inspection of vacant commercial or residential units or spaces to ensure that they remain secure and do not become a harborage for criminal activities;
- (4) The removal or eviction of persons who have been associated with the causation of criminal activities on the property;
- (5) The installation or enhancement of fencing and/or other crime deterrent devices on the property; and/or
- (6) The installation or enhancement of other appropriate security or crime deterrent devices and/or procedures, as determined by the city attorney or other city officials or designees.

(b) Without limiting the prerogatives of the city attorney to develop appropriate agreement forms for the written undertakings of owners, tenants or persons in possession of property to abate nuisance conditions, the following requirements are specifically authorized to be included, as appropriate:

- (1) That the undertaking be for a specific period of time, be binding upon any subse-

quent owner, tenant or person in possession of the property, and be duly recorded in the county real property records;

- (2) That the owners, tenants or persons in possession be required to give immediate notice to appropriate city officials upon any transfer of the property title, leasehold or other interest involved;
- (3) That the understanding be specific as to the exact nature of the actions that will be taken by the owners, tenants or persons in possession of the property and include a time schedule for the completion or implementation of the various items;
- (4) That the owners, tenants or persons in possession of the property reimburse the city for inspection expenses, public safety expenses, legal expenses and costs of any other nature that have been incurred by the city in its actions to abate the nuisance or settle any matter relating to any nuisance condition that is associated with the property;
- (5) That the owners, tenants or persons in possession be required to post a good and sufficient bond, assign a financial account or provide other security to cover the city's legal expenses and related enforcement costs for the prosecution of a suit under chapter 125 in case the undertaking is not timely and fully complied with; and/or
- (6) That the owners, tenants or persons in possession be required to reimburse the city for public safety costs that are in excess of a level that is deemed to be reasonable in relation to the circumstances surrounding the use of the property.

(c) The undertaking of the owners, tenants or persons in possession of a property to take actions as provided in subsections (a) and (b), above, may be monitored by the city attorney and the police department to ensure that the measures are implemented as agreed. In the event that the measures are not timely implemented or are not effective in abating the nuisance conditions, then

the city attorney shall not in any manner be precluded from initiating or further prosecuting a matter under chapter 125.
(Ord. No. 94-923, § 3, 9-7-94)

Secs. 2-271—2-275. Reserved.

**ARTICLE VIII. PUBLIC WORKS AND
ENGINEERING DEPARTMENT***

Sec. 2-276. Department created.

There is hereby created the department of public works and engineering of the city.
(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93)

Sec. 2-277. Office of director.

There is hereby created the office of director of the department of public works and engineering. The director shall be the executive officer of the department. The director shall be a professional engineer, registered as such in Texas, and shall be appointed by the mayor and confirmed by the city council.

(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93; Ord. No. 05-91, §§ 1, 5, 1-25-05)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Sec. 2-278. Duties.

(a) The duties of the department shall include the following:

- (1) Construction, maintenance and operation of the city's water system, sewer system, drainage utility system, and any combination of those systems.

***Editor's note**—Section 7 of Ord. No. 90-635, adopted May 23, 1990, amended Art. VIII to read as herein set forth. Prior to such amendment, Art. VIII pertained to the department of public works and engineering and consisted of §§ 2-276—2-285 which derived from §§ 2-172—2-181 of the 1968 Code as amended by Ord. Nos. 82-1011 and 87-1326. Additionally, § 159 of Ord. No. 90-635 renumbered former § 2-285 as § 47-49.

Subsequently, Ord. No. 93-514, § 5, adopted May 5, 1993, amended Art. VIII, §§ 2-276—2-279, to read as herein set out. Prior to such amendment, Art. VIII pertained to the public works department.

- (2) Design, construction, repair and maintenance of streets, bridges, structures and capital projects of all natures as required for the infrastructure of the city.
- (3) Acquisition of real property for capital projects and maintenance of real property records; disposal of surplus real property.
- (4) Operation and maintenance of city buildings and structures that are assigned to the department.
- (5) Design, installation and maintenance of traffic control signals and devices and related duties.
- (6) Administration and enforcement of the city's Construction Code and related laws.
- (7) Administration of the building official's functions assigned to the department in chapter 10 of this Code.
- (8) Any other duties as assigned by the mayor or city council pursuant to law.

(b) To the extent that this Code or any other ordinance or any motion, resolution, or other document devolves duties relating to the enforcement of the Construction Code upon the department of planning and development or the director thereof, then such references shall be construed to mean the department of public works and engineering and the director thereof.

(Ord. No. 90-635, § 7, 5-23-90; Ord. No. 93-514, § 5, 5-5-93; Ord. No. 94-674, § 3, 7-6-94; Ord. No. 98-613, § 10, 8-5-98; Ord. No. 02-528, § 14d., 6-19-02; Ord. No. 03-794, § 5, 9-3-03; Ord. No. 04-1015, § 6, 9-27-04)

**Sec. 2-279. Certain functions to be performed
by the building services and aviation
departments.**

With the exception of real estate acquisition and disposition, which shall continue to be handled by the department, the planning, design, construction and management of city buildings shall be the responsibility of the building services and aviation departments, as provided in this Code.

(Ord. No. 99-378, § 3, 4-21-99)

Note—This section shall take effect July 1, 1999.